

CHANGE OF NAME

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by act July 26, 1947.

Chapter 1A.—HISTORIC SITES, BUILDINGS, OBJECTS, AND ANTIQUITIES

Sec.

- 461. Declaration of national policy.
- 462. Administration by Secretary of the Interior; powers and duties enumerated.
- 463. Advisory Board on National Parks, Historic Sites, Buildings, and Monuments; creation, powers and duties.
- 464. Cooperation with governmental and private agencies; employment of technical assistance.
- 465. Jurisdiction of States in lands acquired.
- 466. Appropriation.
- 467. Conflict of laws.
- 468. National Trust for Historic Preservation in the United States; creation; purpose.
- 468a. Same; principal office.
- 468b. Same; administration; composition of board of trustees; terms of office; compensation; expenses.
- 468c. Same; powers and duties.
- 468d. Same; consultation with Advisory Board on National Parks, Historic Sites, Buildings, and Monuments.
- 468e. Same; reports to Congress.

§ 461. Declaration of national policy.

It is declared that it is a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States. (Aug. 21, 1935, ch. 593, § 1, 49 Stat. 666.)

§ 462. Administration by Secretary of the Interior; powers and duties enumerated.

The Secretary of the Interior (hereinafter in this chapter referred to as the Secretary), through the National Park Service, for the purpose of effectuating the policy expressed in section 461 of this title, shall have the following powers and perform the following duties and functions:

(a) Secure, collate, and preserve drawings, plans, photographs, and other data of historic and archaeological sites, buildings, and objects.

(b) Make a survey of historic and archaeological sites, buildings, and objects for the purpose of determining which possess exceptional value as commemorating or illustrating the history of the United States.

(c) Make necessary investigations and researches in the United States relating to particular sites, buildings, or objects to obtain true and accurate historical and archaeological facts and information concerning the same.

(d) For the purpose of sections 461—467 of this title, acquire in the name of the United States by gift, purchase, or otherwise any property, personal or real, or any interest or estate therein, title to any real property to be satisfactory to the Secretary: *Provided*, That no such property which is owned by any religious or educational institution, or which is owned or administered for the benefit of the public shall be so acquired without the consent of the owner: *Provided further*, That no such property shall be acquired or contract or agreement for the acquisition thereof made which will obligate the

general fund of the Treasury for the payment of such property, unless or until Congress has appropriated money which is available for that purpose.

(e) Contract and make cooperative agreements with States, municipal subdivisions, corporations, associations, or individuals, with proper bond where deemed advisable, to protect, preserve, maintain, or operate any historic or archaeological building, site, object, or property used in connection therewith for public use, regardless as to whether the title thereto is in the United States: *Provided*, That no contract or cooperative agreement shall be made or entered into which will obligate the general fund of the Treasury unless or until Congress has appropriated money for such purpose.

(f) Restore, reconstruct, rehabilitate, preserve, and maintain historic or prehistoric sites, buildings, objects, and properties of national historical or archaeological significance and where deemed desirable establish and maintain museums in connection therewith.

(g) Erect and maintain tablets to mark or commemorate historic or prehistoric places and events of national historical or archaeological significance.

(h) Operate and manage historic and archaeological sites, buildings, and properties acquired under the provisions of sections 461—467 of this title together with lands and subordinate buildings for the benefit of the public, such authority to include the power to charge reasonable visitation fees and grant concessions, leases, or permits for the use of land, building space, roads, or trails when necessary or desirable either to accommodate the public or to facilitate administration: *Provided*, That such concessions, leases, or permits, shall be let at competitive bidding, to the person making the highest and best bid.

(i) When the Secretary determines that it would be administratively burdensome to restore, reconstruct, operate, or maintain any particular historic or archaeological site, building, or property donated to the United States through the National Park Service, he may cause the same to be done by organizing a corporation for that purpose under the laws of the District of Columbia or any State.

(j) Develop an educational program and service for the purpose of making available to the public facts and information pertaining to American historic and archaeological sites, buildings, and properties of national significance. Reasonable charges may be made for the dissemination of any such facts or information.

(k) Perform any and all acts, and make such rules and regulations not inconsistent with sections 461—467 of this title as may be necessary and proper to carry out the provisions thereof. Any person violating any of the rules and regulations authorized by said sections shall be punished by a fine of not more than \$500 and be adjudged to pay all cost of the proceedings. (Aug. 21, 1935, ch. 593, § 2, 49 Stat. 666.)

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and em-

ployees of such Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1262, set out in note under section 481 of Title 5, Executive Departments and Government Officers and Employees.

§ 463. Advisory Board on National Parks, Historic Sites, Buildings, and Monuments; creation, powers and duties.

A general advisory board to be known as the "Advisory Board on National Parks, Historic Sites, Buildings, and Monuments" is established, to be composed of not to exceed eleven persons, citizens of the United States, to include representatives competent in the fields of history, archaeology, architecture, and human geography, who shall be appointed by the Secretary and serve at his pleasure. The members of such board shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as such members.

It shall be the duty of such board to advise on any matters relating to national parks and to the administration of sections 461—467 of this title submitted to it for consideration by the Secretary. It may also recommend policies to the Secretary from time to time pertaining to national parks and to the restoration, reconstruction, conservation, and general administration of historic and archaeological sites, buildings, and properties. (Aug. 21, 1935, ch. 593, § 3, 49 Stat. 667.)

§ 464. Cooperation with governmental and private agencies; employment of technical assistance.

The Secretary, in administering sections 461—467 of this title, is authorized to cooperate with and may seek and accept the assistance of any Federal, State, or municipal department or agency, or any educational or scientific institution, or any patriotic association, or any individual.

(b) When deemed necessary, technical advisory committees may be established to act in an advisory capacity in connection with the restoration or reconstruction of any historic or prehistoric building or structure.

(c) Such professional and technical assistance may be employed without regard to the civil-service laws, and such service may be established as may be required to accomplish the purposes of sections 461—467 of this title and for which money may be appropriated by Congress or made available by gifts for such purpose. (Aug. 21, 1935, ch. 593, § 4, 49 Stat. 668.)

§ 465. Jurisdiction of States in lands acquired.

Nothing in sections 461—467 of this title shall be held to deprive any State, or political subdivision thereof, of its civil and criminal jurisdiction in and over lands acquired by the United States under said sections. (Aug. 21, 1935, ch. 593, § 5, 49 Stat. 668.)

§ 466. Appropriation.

There is authorized to be appropriated for carrying out the purposes of sections 461—467 of this title such sums as the Congress may from time to time determine. (Aug. 21, 1935, ch. 593, § 6, 49 Stat. 668.)

§ 467. Conflict of laws.

The provisions of sections 461—467 of this title shall control if any of them are in conflict with any other Act or Acts relating to the same subject matter. (Aug. 21, 1935, ch. 593, § 7, 49 Stat. 668.)

§ 468. National Trust for Historic Preservation in the United States; creation; purpose.

In order to further the policy enunciated in sections 461—467 of this title, and to facilitate public participation in the preservation of sites, buildings, and objects of national significance or interest, there is created a charitable, educational, and nonprofit corporation, to be known as the National Trust for Historic Preservation in the United States, hereafter referred to as the "National Trust". The purposes of the National Trust shall be to receive donations of sites, buildings, and objects significant in American history and culture, to preserve and administer them for public benefit, to accept, hold, and administer gifts of money, securities, or other property of whatsoever character for the purpose of carrying out the preservation program, and to execute such other functions as are vested in it by sections 468—468e of this title. (Oct. 26, 1949, ch. 755, § 1, 63 Stat. 927.)

RESERVATION OF RIGHTS

Section 7 of act Oct. 26, 1949, provided that: "The right to repeal, alter or amend this Act [sections 468—468e of this title] at any time is hereby expressly reserved, but no contract or individual right made or acquired shall thereby be divested or impaired."

§ 468a. Same; principal office.

The National Trust shall have its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be an inhabitant and resident thereof. The National Trust may establish offices in such other place or places as it may deem necessary or appropriate in the conduct of its business. (Oct. 26, 1949, ch. 755, § 2, 63 Stat. 927.)

§ 468b. Same; administration; composition of board of trustees; terms of office; compensation; expenses.

The affairs of the National Trust shall be under the general direction of a board of trustees composed as follows: The Attorney General of the United States; the Secretary of the Interior; and the Director of the National Gallery of Art, ex officio; and not less than six general trustees who shall be citizens of the United States, to be chosen as hereinafter provided. The Attorney General, and the Secretary of the Interior, when it appears desirable in the interest of the conduct of the business of the board and to such extent as they deem it advisable, may, by written notice to the National Trust, designate any officer of their respective departments to act for them in the discharge of their duties as a member of the board of trustees. The number of general trustees shall be fixed by the Executive Board of the National Council for Historic Sites and Buildings, a corporation of the District of Columbia, and the general trustees first taking office shall be chosen by a majority vote of the members of the Executive Board from the membership of the Na-

tional Council. The respective terms of office of the first general trustees so chosen shall be as prescribed by the said Executive Board but in no case shall exceed a period of five years from the date of election. A successor to a general trustee shall be chosen in the same manner as the original trustees and shall have a term expiring five years from the date of the expiration of the term for which his predecessor was chosen, except that a successor chosen to fill a vacancy occurring prior to the expiration of such term shall be chosen only for the remainder of that term. The chairman of the board of trustees shall be elected by a majority vote of the members of the board. No compensation shall be paid to the members of the board of trustees for their services as such members, but they shall be reimbursed for travel and actual expenses necessarily incurred by them in attending board meetings and performing other official duties on behalf of the National Trust at the direction of the board. (Oct. 26, 1949, ch. 755, § 3, 63 Stat. 928.)

§ 468c. Same; powers and duties.

To the extent necessary to enable it to carry out the functions vested in it by sections 468—468e of this title, the National Trust shall have the following general powers:

(a) To have succession until dissolved by Act of Congress, in which event title to the properties of the National Trust, both real and personal, shall, insofar as consistent with existing contractual obligations and subject to all other legally enforceable claims or demands by or against the National Trust, pass to and become vested in the United States of America.

(b) To sue and be sued in its corporate name.

(c) To adopt, alter, and use a corporate seal which shall be judicially noticed.

(d) To adopt a constitution and to make such bylaws, rules, and regulations, not inconsistent with the laws of the United States or of any State, as it deems necessary for the administration of its functions under sections 468—468e of this title, including among other matter, bylaws, rules, and regulations governing visitation to historic properties, administration of corporate funds, and the organization and procedure of the board of trustees.

(e) To accept, hold, and administer gifts and bequests of money, securities, or other personal property of whatsoever character, absolutely or on trust, for the purposes for which the National Trust is created. Unless otherwise restricted by the terms of the gift or bequest, the National Trust is authorized to sell, exchange, or otherwise dispose of and to invest or reinvest in such investments as it may determine from time to time the moneys, securities, or other property given or bequeathed to it. The principal of such corporate funds, together with the income therefrom and all other revenues received by it from any source whatsoever, shall be placed in such depositories as the National Trust shall determine and shall be subject to expenditure by the National Trust for its corporate purposes.

(f) To acquire by gift, devise, purchase, or otherwise, absolutely or on trust, and to hold and, unless

otherwise restricted by the terms of the gift or devise, to encumber, convey, or otherwise dispose of, any real property, or any estate or interest therein (except property within the exterior boundaries of national parks and national monuments), as may be necessary and proper in carrying into effect the purposes of the National Trust.

(g) To contract and make cooperative agreements with Federal, State, or municipal departments or agencies, corporations, associations, or individuals, under such terms and conditions as it deems advisable, respecting the protection, preservation, maintenance, or operation of any historic site, building, object, or property used in connection therewith for public use, regardless of whether the National Trust has acquired title to such properties, or any interest therein.

(h) To enter into contracts generally and to execute all instruments necessary or appropriate to carry out its corporate purposes, which instruments shall include such concession contract, leases, or permits for the use of lands, buildings, or other property deemed desirable either to accommodate the public or to facilitate administration.

(i) To appoint and prescribe the duties of such officers, agents, and employees as may be necessary to carry out its functions, and to fix and pay such compensation to them for their services as the National Trust may determine.

(j) And generally to do any and all lawful acts necessary or appropriate to carry out the purposes for which the National Trust is created. (Oct. 26, 1949, ch. 755, § 4, 63 Stat. 928.)

§ 468d. Same; consultation with Advisory Board on National Parks, Historic Sites, Buildings, and Monuments.

In carrying out its functions under sections 468—468e of this title, the National Trust is authorized to consult with the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, on matters relating to the selection of sites, buildings, and objects to be preserved and protected pursuant hereto. (Oct. 26, 1949, ch. 755, § 5, 63 Stat. 929.)

§ 468e. Same; reports to Congress.

The National Trust shall, on or before the 1st day of March in each year, transmit to Congress a report of its proceedings and activities for the preceding calendar year, including the full and complete statement of its receipts and expenditures. (Oct. 26, 1949, ch. 755, § 6, 63 Stat. 929.)

Chapter 2.—THE NATIONAL FORESTS

ESTABLISHMENT AND ADMINISTRATION

- Sec.
471. National forests; establishment; limitation on additions in certain States; lands suitable for production of timber.
471a. Forest reserves in New Mexico and Arizona restricted.
471b. Additional lands within State of Montana.
471c. Lands in California set aside as reserved forest lands.
471d. Additional forest reserves in California.
471e. Same; extension of boundaries of Sequoia National Forest.
472. Laws affecting national forest lands.